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prior to the election all state poll taxes assessed or assessable against them. Held, that only the names of those who have personally paid their poll taxes should be embraced in the list which the treasurer is required to file, since the object of the list is to determine the persons entitled to vote, and the purpose of the provisions in general was to prevent political organizations and others from paying the poll tax of voters, in order to improperly influence and control their votes.

3. Mandamus—Acts of Public Officers—Grounds of Opposition—Impossibility of Performance at Required Time.—The fact that the time within which the law requires the list to be filed has passed is no ground for refusing mandamus to compel the treasurer to file a proper list, when there is still sufficient time to file it and give opportunity for correction, and do the other things necessary to accomplish the purpose intended, before the next general election.

*Rehearing pending.

HOWARD et al. v. LANDSBERG'S COMMITTEE.

March 12, 1908.

[60 S. E. 769.]

1. Limitation of Actions—Action by Former Insane Person—Recurrence of Insanity.—Where after one was adjudged a lunatic and his land was sold in an action by a creditor against his committee, limitations on an action by the lunatic to recover the land commenced to run when he was discharged as restored to sanity, and continued to run notwithstanding a recurrence of insanity nine years later.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 33, Limitation of Actions, § 414.]

2. Insane Persons—Orders Appointing Committees—Collateral Attack.—Silence or incompleteness of the record of the county court respecting orders appointing committees of a lunatic will not avail in a collateral attack upon them.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 27, Insane Persons, § 55.]

3. Same—Estoppel.—A lunatic's committee, in ejectment to recover land sold in an action against a former committee, cannot question the validity of the order appointing the former committee nor of the sale where, after such appointment and sale and upon a temporary restoration to sanity, the lunatic appeared in the county court, produced a certificate of his restoration to sanity, and upon his motion an order was made that his committee surrender to him such of the estate as was then in his hands.

4. Same.—An order by the county court appointing a committee

for a lunatic was an adjudication as to jurisdiction of the court to make the order, and it must be presumed that the record in which the order was entered authorized its entry, and the validity of the order cannot be collaterally impeached, in ejectment by a subsequent committee to recover land sold in the action against the former committee, for want of notice to the lunatic, though the statute providing for such proceedings does not require notice to the lunatic.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 27, Insane Persons, § 55.]

5. Ejectment—Evidence—Commissioner's Deed.—A commissioner's deed recited that the sale was made under a decree of the circuit court, giving the date, in a specified chancery cause; that the commissioner was appointed to make the sale; that the sale was made after advertisement as directed by the decree; that the grantee became the purchaser at a price stated, etc.; that the sale was duly reported to the circuit court, which on a date stated confirmed it; that it was ordered on a date given that the grantee had paid the purchase price, and that the commissioner was appointed to convey the land by warranty deed to the grantee. Then followed the conveyance. Held, that the deed sufficiently shows that the sale was regularly made within Code 1887, § 3333a [Va. Code 1904, p. 1760]; and, upon the deed being admitted in evidence in ejectment against the grantee's successors, the burden rested on plaintiff to overcome the presumption attaching to it under the statute, and, no evidence being offered for that purpose, plaintiff's claim failed.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 17, Ejectment, §§ 238-245.]

6. Insane Persons—Suits against—Proper Parties.—A lunatic is not a necessary party to a suit to sell his property for a debt; his committee being the proper party defendant.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 27, Insane Persons, §§ 161, 162.]

7. Same—Guardian Ad Litem—Necessity for Appointment.—In a proceeding affecting an insane person's property rights, it is unnecessary to appoint a guardian ad litem, where there is a committee, unless the committee's and the insane person's interests conflict.

[Ed. Note.—For cases in point, see Cent. Dig., vol. 27, Insane Persons, §§ 163-165.]